

said committee be instructed to report back to each of their respective houses as to the advisability of purchasing the said property for the State to be used as a house for dependent and neglected children."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 9, A bill to be entitled "An act making an appropriation to pay contingent expenses and mileage and per diem of members and per diem of officers and employees of the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Minutes of Committee Meetings.

Regular Meeting of the Committee on Agricultural Affairs, Held
March 12, 1935.

'Present: DeBerry, Duggan, Hill, Small, Van Zandt, Beck, Sulak.

Absent: Poage, Stone, Neal.

Absent—Excused: Hughston.

S. C. R. No. 22 was reported with recommendation that it pass and be printed.

Open hearing set on H. B. No. 257 for Friday at 7:30 p. m.

DICK DeBERRY, Secretary.

Minutes of Committee on Civil Jurisprudence, Held March 12, 1935,
Regular Meeting.

Present: Small, Collie, Davis, Hill, Hornsby, Moore, Oneal, Rawlings, Redditt, Van Zandt, Westerfeld.

Absent—Excused: Blackert, Fellbaum, Hopkins, Shivers.

S. B. 331, as amended, was reported favorably by viva voce vote.

S. B. 209 was reported favorably by viva voce vote.

S. B. 38 was reported favorably by viva voce vote.

S. B. 302 was reported unfavorably by a vote of 6 yeas, 1 nay.

S. B. 121 was deferred to future meeting.

S. B. 176 was indefinitely postponed.

S. B. 410 was referred to sub-committee.

S. B. 446 and S. B. 436 were set for public hearing at 4:00 p. m. Tuesday, March 19, 1935.

HERMAN B. HILL, JR.,
Secretary.

FORTIETH DAY.

Senate Chamber,
Austin, Texas,
March 14, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Burns. Hughston.
Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 451.

Senator Hopkins sent up the following local bill:

By Senator Hopkins:

S. B. No. 451, A bill to be entitled "An Act amending the 'Bond and

Warrant Law of 1931,' being Chapter 163, Acts of the Forty-second Legislature, Regular Session, by adding a new section to be known as Section 6a, to provide that the provisions of Section 4 of said Bond and Warrant Law shall not apply to the issuance of warrants for building, construction, reconstruction and/or repair of a courthouse and/or jail in any county where the courthouse has been torn down or demolished, and where there is no county courthouse at the time of the taking effect of this Act; providing that in all such cases warrants may be issued without notice and that no election shall be called upon any petition filed under Section 4 of said law; validating all proceedings, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Motion to Suspend Rule.

Senator Holbrook moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Burns.	Hughston.
Fellbaum.	

Senate Bill No. 452.

By Senator Holbrook:

S. B. No. 452, A bill to be entitled "An Act to amend Article 4913 of Chapter 10 of Title 78, Revised Civil Statutes of Texas, 1925, by adding provision that all policies of Workmen's Compensation Insurance shall contain endorsement as to the method of determining dividends

and assessments, if any, prohibiting more than one plan of operation by any one company or association, prohibiting discrimination between policyholders, and providing for invalidity of agreements made contrary to the terms hereof, and that violation of the terms hereof shall be cause for revocation of license to write Workmen's Compensation Insurance, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Insurance.

H. C. R. No. 36.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 36, Providing for the appointment of a committee of the House and Senate to inspect certain properties at Milford, Texas, with a view to purchasing said property to be used as a home for dependent and neglected children.

On motion of Senator Martin, H. C. R. No. 36 was adopted by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "No" on adoption of H. C. R. No. 36.

House Bill No. 197.

(Conference Report.)

The Chair laid before the Senate the Conference Report on H. B. No. 197, which had been printed in the Journal.

Senator Oneal moved the adoption of the conference report.

The motion prevailed by the following vote:

Yeas—22.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Hill.	Regan.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Van Zandt.
Neal.	Woodruff.

Nays—4.

Holbrook. Sulak.
Sanderford. Westerfeld.

Absent.

Davis. Duggan.

Absent—Excused.

Burns. Hughston.
Fellbaum.

House Bill No. 26.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Alsup:

H. B. No. 26, A bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Panola County; prohibiting the transportation by any one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Panola County; providing a penalty, and declaring an emergency."

The committee amendment was adopted on motion of Senator Hill.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 26, by adding after the word Panola the words: "and Wise."

WOODRUFF.

Read and adopted.

Laid on Table.

H. B. No. 26 was laid on the table subject to call by unanimous consent.

House Bill No. 46.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Lotief, et al:

H. B. No. 46, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violations; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts

of laws in conflict herewith, and declaring an emergency."

On motion of Senator Collie, committee amendment No. 1, was adopted by viva voce vote.

Senator Martin sent up the following substitute for H. B. No. 46:

Amend H. B. No. 46 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Article 7427 of Title 126, Revised Civil Statutes of the State of Texas be, and the same is hereby amended to read as follows:

Article 7427. The following constitutes and are hereby declared to be a monopoly:

1. When the direction of the affairs of two or more persons, firms, corporations, co-partnerships, agents, or associations, is in any manner brought under the same management or control for the purpose of producing, or where such common management or control tends to create a trust as defined in the first article of this chapter.

2. When any person, firm, corporation, co-partnership or association acquires the shares or certificates of stocks or bonds, franchise or other rights, or the physical properties or any part thereof, or directs by lease or rental such physical properties or any part thereof, of any other person, firm, corporation, co-partnership or association for the purpose of preventing or lessening, or where the effect of such acquisition tends to effect or lessen competition, whether such acquisition is accomplished directly or through the instrumentality of trustees or otherwise.

3. When any person, firm, corporation, co-partnership or association is engaged in the manufacture, sale or distribution of any kind or character of products in this State, either at wholesale or retail, or both, for the purpose of injuring a competitor, or in an effort to discourage or eliminate competition, sells the same, or in any wise enters into any agreement or contract with another to sell or aid or encourage another in selling said products in any town or city or other place in this State, at a lower price than said products are being sold in any other town or city or other place in this State, con-

sidering transportation charges and other actual and necessary expenses incident to the placing of such products in position for sale.

4. When any person, firm, corporation, co-partnership, association, or combination of persons engaged in the manufacture, sale or distribution of any commercial product or products, or article of merchandise, in this State at wholesale, who shall, in any manner, directly or indirectly, control or direct another person, firm or corporation co-partnership or association, engaged in the retail distribution of such product or products, or article of merchandise, at what price or prices, the same shall be sold at retail.

5. When any person, firm, corporation, co-partnership or association is engaged in the production, manufacture or wholesale distribution of any product engages in or undertakes to engage in the retail distribution of such product, whether the same is done in the name of said person, firm, corporation, co-partnership, or association, or in the name of another and a different person, firm, corporation, co-partnership or association, or where the stockholders and directors or other individuals of the said retail distributing firm, corporation, co-partnership or association are the same as those composing the wholesale corporation or manufacturing concern.

6. When any person, firm, corporation, co-partnership or association engaged in the wholesale, manufacture and distribution of any commodity or product, who shall own or be interested in, directly or indirectly, in any place of business, by ownership or lease, or in any machinery or equipment by ownership or lease, used in any manner in the retail distribution of the said product or commodity.

7. When any person, firm, corporation, co-partnership or association offers any special concessions or rebates or other financial or trade agreements to any person, firm, corporation, co-partnership or association, for the purpose of controlling or lessening competition in the retail distribution of any article of commerce or any commodity or product.

Sec. 2. The fact that numerous financially strong organizations and combinations are being formed throughout the State for the purpose

of controlling and in fact are now controlling the retail distribution of many articles of commerce which organizations and combinations are eliminating from the field of business numerous small and independent businesses, firms, and corporations, create an emergency and an imperative public necessity that the Constitutional Rule requiring a bill to be read in each House on three several days be, and the same is hereby suspended, and this Act take effect and be in full force from and after its passage, and it is so enacted.

Point of Order.

Senator Collie raised the point of order that the amendment was not germane to the bill.

The Chair overruled the point of order.

Motion to Adopt Substitute.

Senator Martin moved the adoption of the substitute.

Motion pending.

Senator Cotten sent up the following amendment:

Amend Martin substitute to H. B. No. 46, by adding after the word State in line 39, page 1, of said substitute the following:

"under like conditions and volume."

COTTEN.

Read and adopted.

Motion to Lay on Table.

Senator Martin moved to lay on the table subject to call H. B. No. 46 with pending substitute as amended.

Motion to Table.

Senator Collie moved to table the motion by Senator Martin to lay on the table subject to call.

The motion to table prevailed by the following vote:

Yeas—15.

Beck.	Poage.
Collie.	Redditt.
DeBerry.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Moore.	Small.
Oneal.	Westerfeld.
Pace.	

Nays—8.

Cotten.	Rawlings.
Hill.	Stone.
Hopkins.	Sulak.
Martin.	Van Zandt.

Absent.

Blackert.	Neal.
Davis.	Woodruff.
Duggan.	

Absent—Excused.

Burns.	Hughston.
Fellbaum.	

Motion to Table Substitute.

Senator Collie moved to table the substitute as amended.
Pending.

Motion to Recess.

Senator Martin at 11:50 o'clock a. m., moved that the Senate recess until 2 o'clock p. m.

Motion to Adjourn.

Senator Van Zandt moved as a substitute that the Senate adjourn until 10:00 o'clock a. m. Friday.

The substitute motion lost by viva voce vote.

The motion to recess lost by viva voce vote.

House Bill No. 46.

The question recurred on the motion to table the substitute as amended.

The motion prevailed by viva voce vote.

Senator Van Zandt sent up the following amendment:

Amend H. B. No. 46, Section 5, line 5, by adding after the word "services" the following:

"and provided, however, such rate or charge ordered by ordinance, requested by petition of the governing body of any municipality, or a majority of the people, is fair and reasonable."

VAN ZANDT.

Read.

Motion to Table.

Senator Collie moved to table the amendment by Senator Van Zandt.

The motion to table prevailed by the following vote:

Yeas—14.

Beck.	Pace.
Collie.	Poage.
DeBerry.	Regan.
Hill.	Sanderford.
Hornsby.	Shivers.
Neal.	Small.
Oneal.	Westerfeld.

Nays—9.

Holbrook.	Redditt.
Hopkins.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Rawlings.	

Absent.

Blackert.	Duggan.
Cotten.	Woodruff.

Absent—Excused.

Burns.	Fellbaum.
Davis.	Hughston.

The bill was read second time and passed to third reading by the following vote:

Yeas—17.

Collie.	Rawlings.
DeBerry.	Redditt.
Hill.	Regan.
Hornsby.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Sulak.
Pace.	Westerfeld.
Poage.	

Nays—6.

Beck.	Martin.
Holbrook.	Stone.
Hopkins.	Van Zandt.

Absent.

Blackert.	Duggan.
Cotten.	Woodruff.

Absent—Excused.

Burns.	Fellbaum.
Davis.	Hughston.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 46 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Cotten.
Collie.	DeBerry.

Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	Sulak.
Oneal.	Van Zandt.
Pace.	Westerfeld.
Poage.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

Read third time and finally passed
by the following vote:

Yeas—20.

Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Hornsby.	Shivers.
Moore.	Small.
Neal.	Sulak.
Oneal.	Westerfeld.
Pace.	Woodruff.

Nays—6.

Beck.	Martin.
Holbrook.	Stone.
Hopkins.	Van Zandt.

Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

House Bill No. 47.

The Chair recognized Senator Neal to call up H. B. No. 47 which had been laid on the table subject to call.

By Mr. Leonard:

H. B. No. 47, A bill to be entitled "An Act to amend Sections 3, 5, 11, and 16 of H. B. No. 500, the Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 47 was put

on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Burns.	Fellbaum.
Davis.	Hughston.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Burns.	Fellbaum.
Davis.	Hughston.

House Bill No. 404.

Senator Rawlings asked unanimous consent to suspend the regular order and take up H. B. No. 404.

Pending.

Motion to Recess.

Senator Hill at 12:20 o'clock p. m. moved that the Senate recess until 2 o'clock p. m.

The motion to recess prevailed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

S. C. R. No. 25.

Senator Hopkins received unanimous consent to suspend the regular order of business and sent up the following resolution:

Be it resolved by the Senate of Texas, the House of Representatives concurring, That Joint Rule No. 23 of said House and Senate, be and the same is hereby suspended, to allow the immediate consideration and passage of S. B. No. 451, being a local bill effecting Guadalupe County only.

On motion of Senator Hopkins, the rule requiring resolutions to be referred to a committee was suspended and S. C. R. No. 25 was taken up at this time.

HOPKINS.

Read and adopted.

House Bill No. 404.

Senator Rawlings renewed his request for unanimous consent to suspend the regular order of business and take up H. B. No. 404.

There was objection.

Senator Rawlings moved to suspend the regular order of business and take up H. B. No. 404.

The motion prevailed by the following vote:

Yeas—16.

Collie.	Rawlings.
Duggan.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Neal.	Shivers.
Oneal.	Small.
Pace.	Stone.
Poage.	Van Zandt.

Nays—7.

DeBerry.	Sulak.
Hill.	Westerfeld.
Holbrook.	Woodruff.
Moore.	

Present—Not Voting.

Beck.

Absent.

Cotten.	Hopkins.
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Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

The Chair laid before the Senate on its second reading:

By Mr. Stovall:

H. B. No. 404, A bill to be entitled "An Act providing that the Supreme Court of the State of Texas shall have original jurisdiction in the matter of issuing the writ of mandamus or any other mandatory or compulsory writ or process to compel the performance by any judge of a district court, in this State of any duty imposed upon him or them, respectively, by the Constitution and laws of this State, etc., and declaring an emergency."

Senator Rawlings sent up the following amendments for H. B. No. 404.

Amendment No. 1.

Amend House Bill No. 404 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 17 of Chapter 270, Page 399 of the Acts of the 40th Legislature, 1927, be and the same is hereby amended so as hereinafter to read as follows:

"Sec. 17. If any such auto transportation company, association, corporation, or other party at interest be dissatisfied with any decision, rate, charge, rule, order, act, or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party may file a petition setting forth the particular objection to such decision, rate, charge, rule, order, act, or regulation, or to either or all of them in the District Court in Travis County, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in a said court; either party to said action may appeal to the appellate court having jurisdiction of said cause, and said appeal shall be at once returnable to said appellate court having jurisdiction of said cause, and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues the suit may be filed during such term and stand ready for trial after ten days notice. In

all trials under this section, the burden of proof shall rest upon the plaintiff who must show by the preponderance of evidence that the decisions, rates, regulations, rules, orders, classifications, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder, and no injunction shall be granted against any order of the Commission, whether temporary restraining order, temporary injunction, permanent injunction, or any other writ of injunction, except after notice to the Commission and a hearing as hereinafter provided; provided that when a petition or application is filed asking for any such character of temporary injunctive relief, the Clerk of the Court in which such petition or application is filed shall issue notice to the Commission in writing, which notice shall contain the docket number, style and a brief statement of the nature of the suit, and such notice shall be served on the Commission by delivering a copy of such citation to the Commission, or any member thereof, or to the Secretary thereof, in Travis County, for the service of other citation, and five (5) days from and after the service of such notice, a hearing may be had upon such application; provided, further, that any decision, rate, charge, rule, order, act, or regulation complained of shall be taken as prima facie valid and the use and introduction of the verified petition of plaintiff shall not be sufficient to overcome the prima facie validity of the rule, regulation, or order complained of or to empower the Court to grant any injunctive relief against the enforcement of said decision, rate, charge, rule, order, act, or regulation; provided, further, that before any order granting any character of injunctive relief against this statute or against any decision, rate, charge, rule, order, act, or regulation of the Commission shall become effective, the plaintiff shall be required by the Court to execute a bond as is provided by law."

Sec. 2. Section 20 of the Acts of the 42nd Legislature, 1931, Page 480, Chapter 277, is hereby amended so as hereinafter to read as follows:

"Sec. 20. If any motor carrier or other party at interest be dissatis-

fied with any decision, rate, charge, rule, order act, or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party, after failing to get relief from the Commission may file a petition setting forth the particular objection to such decision, rate, charge, rule, order, act, or regulations, or to either or all of them in the District Court in Travis County, Texas, against said Commission as defendant. Said actions shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil causes in said Court. Either party to said action may appeal to the Appellate Court having jurisdiction of said cause, and said appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause, and said action so appealed shall have precedence in said Appellate Court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready for trial after ten days' notice. In all trials under this section, the burden of proof shall rest upon plaintiff, who must show by the preponderance of evidence that the decisions, rates, regulations, rules, orders, classifications, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder, and no injunction shall be granted against any order of the Commission, where the temporary restraining order, temporary injunction, permanent injunction or any other writ of injunction, except after notice to the Commission and a hearing as hereinafter provided; provided that when a petition or a application is filed asking for any such character of temporary injunctive relief, the Clerk of the Court in which such petition or application is filed shall issue notice to the Commission in writing, which notice shall contain the docket number, style, and a brief statement of the nature of the suit, and such notice shall be served on the Commission by delivering a copy of such citation to the Commission or any member thereof, or to the Secretary thereof, in Travis County, for the service of other citation, and

five (5) days from and after the service of such notice, a hearing may be had upon such application; provided, further than any decision, rate, charge, rule, order, act, or regulation complained of shall be taken as prima facie valid and the use and introduction of the verified petition of plaintiff shall not be sufficient to overcome the prima facie validity of the rule, regulation, or order complained of or to empower the Court to grant any injunctive relief against the enforcement of said decision, rate, charge, rule, order, act, or regulation; provided, further, that before any order granting any character of injunctive relief against this statute or against any decision, rate, charge, rule, order, act, or regulation of the Commission shall become effective, the plaintiff shall be required by the Court to execute a bond as is provided by law."

Sec. 3. The Courts of Civil Appeals and the Judges thereof are hereby vested with jurisdiction to issue writs of prohibition, mandamus, and injunction to prohibit the enforcement of any order or judgment of any trial court or judge granting any character of injunctive relief without notice and hearing in violation of the requirements of Section 17 of the Acts of 1927, 40th Legislature, Page 399, Chapter 270; and Section 20 of the Acts of 1931, 42nd Legislature, Page 480, Chapter 277, as amended by this act. Whenever it shall appear that such requirements of such sections with respect to notice and hearing have not been complied with, upon proper application presented by the Railroad Commission to the Court of Civil Appeals, the said Court of Civil Appeals shall be empowered, and it shall be its duty, to issue instantly the necessary writs of prohibition, mandamus or injunction to prohibit and restrain the trial judge from enforcing or attempting to enforce the provisions of the injunction issued by him and to prohibit and restrain the party or parties in whose favor such order has been entered from acting or attempting to act under the protection of said order or from violating the statute or the decision, rate, charge, rule, order, act, or regulation of the Railroad Commission attacked.

Sec. 4. All laws and parts of laws in conflict with the provisions of

this act are hereby expressly repealed.

Sec. 5. The fact that the agencies charged by law with the duty of enforcing the motor carrier laws of the State of Texas have been hampered by the issuance of temporary restraining orders, temporary injunctions and permanent injunctions restraining them in the enforcement of their duty and in the enforcement of their orders without being accorded notice and hearing before such restraining orders and injunctions have been issued, and the fact that the effect of many such restraining orders and temporary injunctions has been to dispose of the subject matter of such statute prior to the determination on the merits of the matters presented by litigation, and the fact that the public welfare requires that there be a speedy remedy to prevent the non-observance and the violation of the requirements of motor carrier statutes with reference to notice and hearing in such matters, create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read in each House on three several days, and the Constitutional rule requiring bills to take effect and go into force ninety days after adjournment of the session, be suspended, and said Rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Adopted.

RAWLINGS.

Amendment No. 2.

Amend House Bill No. 404 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act amending Section 17 of the Acts of the 40th Legislature, Regular Session, Chapter 270, page 399, and amending Section 20 of the Acts of 1929, 41st Legislature, page 698, Chapter 314, as amended by the Acts of 1931, 42nd Legislature, page 480, Chapter 277, paragraph 20, relating to appeals from the orders, rules, rates, acts, charges, decisions, or regulations adopted by the Railroad Commission of Texas providing that no injunction, whether temporary restraining order, temporary injunction, permanent injunction, or any

other character of injunctive relief shall be granted against the Railroad Commission to enjoin agents and representatives, without notice and hearing; repealing all laws or parts of laws in conflict herewith; and declaring an emergency." Adopted.

RAWLINGS.

Point of Order.

Senator Hill raised the point of order that the bill was unconstitutional.

The Chair Senator Hornsby presiding overruled the point of order.

Laid on Table Subject to Call.

Senator Hopkins received unanimous consent to lay on the table subject to call H. B. No. 404.

Senate Bill No. 451.

(Motion to Suspend Rule.)

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 451 was put on its second reading by the following vote:

Yeas—23.

Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Present—Not Voting.

Collie.

Absent.

Beck. Redditt.

Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Senator Hopkins sent up the following amendment:

Amend S. B. No. 451 by striking out of Section 1, lines 10 and 11 the words:

"there is no county courthouse at the time of taking effect of this Act," and insert in lieu thereof the following, viz:

"notice was given under Section 2 of said Bond and Warrant Law prior to the taking effect of this Act, and there was no county courthouse at the time such notice was published."

HOPKINS.

Read and adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 451 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Hopkins.
Cotten.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Hill.	Neal.
Holbrook.	Oneal.

Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.
Shivers.	

Present—Not Voting.

Collie.

Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

Senate Resolution No. 58.

Senator Woodruff received unanimous consent to send up the following resolution:

Whereas, The year 1936 will be the anniversary of the one hundredth year of the Independence of Texas, and an appropriate celebration of said event is being planned by leading citizens of the State creating considerable interest in the History, Constitution and Laws of the State of Texas; and,

Whereas, Many citizens of the State are becoming interested in the Constitution of the State of Texas and are writing daily to the State Legislative Reference Library and to the State Library for printed copies of said Constitution; and,

Whereas, There are available in the State Library no copies of the Constitution for distribution to the citizens of the State, and many communities and counties of the State have no public libraries where same are available; and,

Whereas, It is in the interest of good Government to have a citizenship generally enlightened and particularly informed as to the provisions, content, and purpose of the Constitution of the State of Texas; and,

Whereas, The Secretary of the Senate heretofore has been directed to have printed a number of copies of the Legislative Manual, which includes the State Constitution and Index, and additional copies of the Constitution and Index could be printed separately at a nominal cost to the State of Texas from the form mats and type set-ups for the foregoing purposes; therefore be it

Resolved by the Senate of the State of Texas, That the Chairman on Contingent Expense be authorized and directed to have printed, by the printer who prints the Legislative Manual for the Forty-fourth Legislature, at the lowest possible cost to the State, five thousand (5000) copies of the Constitution of the State of Texas with index thereto and that he deliver, or cause same to be delivered to the State Library for distribution to the citizens of Texas who send requests for single copies thereof; be it

Resolved further, That the cost of printing the foregoing copies of the Constitution of the State of Texas be paid out of the contingent funds of the Senate of the Forty-fourth Legislature of the State of Texas upon warrants drawn thereupon and approved by the Chairman on Contingent Expense and the Lieutenant Governor of the State of Texas.

WOODRUFF.

Read and referred to the Committee on Contingent Expenses.

Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 32A.
H. C. R. No. 33.
H. C. R. No. 36.

H. C. R. No. 36.

The Chair, Lieutenant Governor Walter F. Woodul, appointed the following Senators in compliance with H. C. R. No. 36: Senators Martin, Sanderford and Beck.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 14, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 25, Providing for the suspension of Joint Rule No. 23 to allow consideration and passage of S. B. No. 451, a local bill for Guadalupe County.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 14, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 9 by a vote of 120 yeas and 0 nays.

The House has adopted the Conference Committee Report on H. B. No. 197, by a vote of 114 yeas and 6 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 404.

Senator Hill called up H. B. No. 404 which had been laid on the table subject to call.

The bill was read second time as amended and passed to third reading by viva voce vote.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 404 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Nays—1.

Hill.

Present—Not Voting.

Shivers.

Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Rawlings.
Cotten.	Redditt.
Duggan.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Moore.	Stone.
Neal.	Sulak.
Oneal.	Van Zandt.
Pace.	Woodruff.
Poage.	

Nays—4.

Collie.	Hill.
DeBerry.	Westerfeld.

Absent.

Martin.

Absent—Excused.

Blackert.	Fellbaum.
Burns.	Hughston.
Davis.	

H. C. R. No. 32.

The Chair laid before the Senate H. C. R. No. 32 which had been laid on the table subject to call:

By Mr. Reed:

H. C. R. No. 32, A concurrent resolution memorializing Congress to pass an act relative to fair competition between rail and steamship lines in the transportation of transcontinental traffic, etc.

Senator Shivers sent up the following amendment:

Amend H. C. R. No. 32 by adding thereto:

"and provided further that such regulations shall not place the Texas citrus growers in unfair competitions."

SHIVERS.

Read and adopted.

H. C. R. No. 32 as amended was adopted by viva voce vote.

Recess.

On motion of Senator Pace the Senate at 3:34 o'clock p. m., recessed until 10 o'clock a. m., Friday.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 14, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 25 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 14, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 451 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 9, A joint resolution "Proposing an amendment to Section 1 of Article 8 of the Constitution of the State of Texas, such amendment making no change in said Section 1 of Article 8 of the Constitution, other than providing that taxation of real property shall be equal and uniform; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment and that it be printed.

BLACKERT, Chairman.

Committee Amendment.

Amend Senate Joint Resolution No. 9 by inserting immediately after the word "taxation" in the fifteenth line of Section 1 of said Resolution the following: "and may impose different rates thereon."

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 27, A joint resolution "Proposing an amendment to Section 11 of Article IV of the Constitution of the State of Texas, so as to provide that the Governor of the State shall have the power on the recommendation and advice of a majority of the Board of Pardons and Paroles to grant reprieves, commutations of punishment and pardons and to remit fines and forfeitures; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLACKERT, Chairman.

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 18, A joint resolution "Proposing an amendment to Section 48, Article 111 of the Constitution of the State of Texas, authorizing the establishment of teachers' retirement system, and making an appropriation for the election."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BLACKERT, Chairman.

Committee Room,
Austin, Texas, February 7, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 10, A bill to be entitled "An Act defining and regulating the practice of dentistry in the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute for said bill do pass and be printed in lieu of the original bill, in bill form.

BECK, Chairman.

Committee Room,
Austin, Texas, March 14, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was re-
ferred

S. B. No. 451, A bill to be entitled
"An Act amending the 'Bond and
Warrant Law of 1931,' being Chap-
ter 163, Acts of the Forty-second
Legislature, Regular Session, by add-
ing a new section to be known as
Section 6a, to provide that the pro-
visions of Section 4 of said Bond
and Warrant Law shall not apply to
the issuance of warrants for build-
ing, construction, reconstruction
and/or repair of a courthouse and/or
jail in any county where the court-
house has been torn down or demol-
ished, and where there is no county
courthouse at the time of the taking
effect of this Act; providing that in
all such cases warrants may be is-
sued without notice, and that no
election shall be called upon any
petition filed under Section 4 of said
law validating all proceedings, and
declaring an emergency."

Have had the same under consid-
eration, and I am instructed to report
it back to the Senate with the
recommendation that it do pass and
be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter W. Woodul, President of
the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred H. C.
R. No. 15, relating to consideration
of appropriation bills, have had the
same under consideration and I am
instructed to report the same back to
the Senate with the recommendation
that it be adopted, with Committee
amendment.

REDDITT, Chairman.

Committee Amendment.

Amend H. C. R. No. 15 by striking
out the words and figures "March
25" and inserting in lieu thereof
the words and figures "April 16."

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred

H. B. No. 547, A bill to be entitled
"An Act making an emergency ap-
propriation of Ten Thousand Dollars
(\$10,000) for Sul Ross State Teach-
ers College for the purpose of erect-
ing cottages on the campus of the
said college, and declaring an
emergency."

Have had the same under consid-
eration and I am instructed to report
the same back to the Senate with
the recommendation that it do pass
with Committee amendments and be
printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 547, by adding
at the end of Section 1 thereof the
following:

"That the sum of \$6,000.00, or
so much thereof as may be necessary,
be and it is hereby appropriated out
of any funds in the State Treasury,
not otherwise appropriated, for the
purpose of repairing the Main Ad-
ministration Building of the College
of Industrial Arts at Denton, as an
emergency."

Committee Amendment No. 2.

Amend the caption of H. B. No.
547 by adding before the words
"and declaring an emergency," the
following:

"and also making an emergency
appropriation of \$6000.00 to repair
the Main Administration Building of
the College of Industrial Arts at
Denton."

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred

H. B. No. 779, A bill to be entitled
"An Act making available currently
the funds now on hand and here-
after accruing to the benefit of the
State Department of Agriculture
under the terms of Act of the Reg-
ular Session, Forty-third Legislature
Chapter 162, page 433, as amended
Acts of the Forty-third Legislature,
First Called Session, Chapter 10,
page 32; providing for the drawing
of warrants by the Comptroller and
the payment of same by the State
Treasurer in accordance with the
provisions hereof and with the Gen-

eral Laws; providing that this Act shall not affect the amounts appropriated or to be appropriated to the State Department of Agriculture, or change the proportion of the proceeds of the Special Racing Fund accruing to said Department of Agriculture, etc., etc."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with Committee amendments and be printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 779 by adding after the word "currently" in line 3, page 2, the following:

"In making expenditures out of the Jack and Stallion Fund for the purpose for which such fund is created."

Committee Amendment No. 2.

Amend H. B. No. 779 by adding before the words "State Department of Agriculture" in Line 8, Section 2, Page 2, "the Jack and Stallion Fund of the"

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 424, A bill to be entitled "An Act to amend Chapter 98, of the General Laws of the State of Texas, as passed by the Regular Session of the Forty-first Legislature, by adding thereto Section 1-a, so as to provide for the purchase of a part of the law books for the Courts of Civil Appeals out of the Court fees collected by said Courts, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with Committee amendment, and be printed.

REDDITT, Chairman.

Committee Amendment.

Amend H. B. No. 424, by adding at the end of Section 1-a, the following:

"Provided, however, that all such fees collected by any clerk or other officer of any Court of Civil Appeals

within this State shall be deposited in the State Treasury to the credit of the court so collecting and depositing same, and the expenditures out of said fund for the foregoing purposes shall be upon a warrant drawn upon the State Treasury by the State Comptroller, and may be provided for in the General Appropriation Bill for the Judiciary of this State."

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 432, A bill to be entitled "An Act providing for relief for the Hooks Independent School District of Bowie County, Texas, in order to aid said District in rebuilding its properties and equipping its school which was destroyed by fire on the 11th day of February A. D., 1935; providing for work relief; making an appropriation to said District for said property; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with Committee amendment and be printed.

REDDITT, Chairman.

Committee Amendment.

Amend Senate Bill No. 432 by adding thereto a new section following Section 2, to read as follows:

"Section 2-a. The appropriation herein made is upon the condition that the school authorities of said district shall first provide and expend the sum of \$11,500.00 for the purposes herein indicated before the appropriation made herein becomes available for expenditure."

Committee Room,
Austin, Texas, March 13, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 417, A bill to be entitled "An Act making appropriations for the support of the Judicial Department of the State Government for the two-year period ending August 31, 1937, etc."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for said bill do pass and be printed in lieu of the original bill, in bill form.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 142, A bill to be entitled "An Act relating to the salaries of the State and of district judges, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute for said bill do pass and be printed in lieu of the original bill, in bill form.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 448, A bill to be entitled "An Act making an appropriation of Eight Thousand Five Hundred Seventy-five Dollars (\$8,575.00) for materials to repair and construct buildings and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 400, A bill to be entitled "An Act providing relief for Axtell Rural High School District of McLennan County, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on or about the 6th day of December A. D. 1934, providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate

with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 393, A bill to be entitled "An Act making the appropriation out of the general revenues of the State of Texas for the State Board of Water Engineers to pay the salary of two (2) Assistant Engineers for certain supplies, travel expenses and auto maintenance, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 377, A bill to be entitled "An Act providing relief for Martinsville Common School District No. 16, of Nacogdoches County, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on or about the 1st day of October, A. D. 1934, providing for work relief, making an appropriation to said district for said property, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 576, A bill to be entitled "An Act providing relief for the Reynard Common School District, No. 55, and for the Mount Zion Common School District No. 42, of Houston County, Texas, in order to aid said school districts in rebuilding their schools which were destroyed by cy-

clone which struck the communities of Reynard and Mount Zion on the 7th day of February, 1935; providing for work relief; making an appropriation to said districts for said properties, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 519, A bill to be entitled "An Act making an appropriation of Six Thousand, Five Hundred Dollars (\$6,500) to be used by the Secretary of State in paying the unpaid portion of the publication cost of certain constitutional amendments; One Thousand, Five Hundred Dollars (\$1,500) for postage and contingent to be used by the Secretary of State; Five Thousand Dollars (\$5,000) for the Secretary of State's office to be used for compiling, editing, printing, indexing and distributing the General and Special Laws and for the distribution of the Journals of the Forty-fourth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 425, A bill to be entitled "An Act making an appropriation of Three Thousand Dollars (\$3,000) out of any moneys not otherwise appropriated, for the support, maintenance, and extra help for the State Laboratories of the State Health Department, no salary paid out of this appropriation to exceed Fifty Dollars (\$50) per month, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 382, A bill to be entitled "An Act making an appropriation from the State Treasury for the preparation, checking, investigation and correction of the scholastic census to the State Department of Education, providing money for salaries wages, rent, equipment, supplies and necessary traveling expenses incident thereto for the sum of Eighty-five Hundred Dollars (\$8500) for the year ending September 1, 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 230, A bill to be entitled "An Act appropriating the sum of Eighteen Hundred Dollars (\$1800) or so much thereof as may be necessary, out of any moneys in the General Revenue Fund of this State, not otherwise appropriated, for the purpose of hiring two (2) additional stenographers for the Governor's office, together with necessary materials, etc., such appropriation to last throughout the current biennium, ending August 31, 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

REDDITT, Chairman.

Minutes of Senate Finance Committee, Held March 13, 1935,
Regular Meeting.

Present: Redditt, Beck, Duggan, Hill, Holbrook, Hopkins, Hornsby, Martin, Neal, Poage, Rawlings, Regan, Sanderford, Sulak, Van Zandt, and Woodruff.

Absent-Excused: Burns, Hughston, Oneal, Small, Stone.

Senate Bills Nos. 377, 393, 400 and 448 were reported favorably.

S. B. No. 432 was reported favorably with committee amendment.

House Bills Nos. 230, 382, 425, 519 and 576 were reported favorably.

House Bills Nos. 424, 547 and 779 were reported favorably with committee amendments.

Senator Hill requested to be reported as voting "No" on motion to report favorably H. B. No. 779.

Senator Martin requested to be reported as "present-not voting" on motion to report favorably H. B. No. 779.

H. C. R. No. 15 was reported favorably.

S. B. No. 142 was reported adversely with favorably committee substitute.

H. B. No. 417 was reported adversely with favorable committee substitute.

NOEL K. BROWN, Secretary.

FORTIETH DAY—(Cont'd.)

Senate Chamber,
Austin, Texas,
March 15, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

S. C. R. No. 26.

Senator Poage received unanimous consent to send up the following resolution:

Whereas, On or about the 6th day of December, 1934, the Axtell County Line Rural High School was completely destroyed by fire, with a loss of at least \$35,000.00 to the district, which was not more than half covered by insurance; and

Whereas, There has been paid to the trustees of said district the sum of approximately \$900.00 by the insurance company which had written a policy of insurance on the textbooks located in such building, and such payment was made entirely by reason of the fact that said district carried such insurance and paid for same out of local funds, and the State Department of Education asserts no claim to said sum so derived from such policy of insurance, but agrees that the trustees of such dis-

trict may use such sum for the construction and/or furnishing of a new building in said district; and

Whereas, Some question has arisen in the minds of the trustees as to their right to expend said moneys without any further legislative authority, and it is the desire of said trustees that any question as to their right to expend said sum for the benefit of the Axtell County Line Rural High School District be removed.

Now, Therefore, be it Resolved by the Senate of Texas, the House of Representatives concurring, that the Board of Trustees of said Axtell County Line Rural High School District be, and it is hereby authorized to expend said sum of money derived from the payment of the aforementioned policy of insurance, for the construction and/or equipment of a new school building in said district, and that in event such money is so expended, the members of such board shall not be liable in any manner for any misappropriation of such public moneys.

POAGE.

Read.

Senator Poage asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 26 be taken up and considered at this time.

Granted.

Senator Poage moved to suspend the constitutional rule requiring resolutions to be read on three several days.

The motion prevailed by the following vote:

Yeas—26.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Blackert.	Regan.
Davis.	Sulak.
Fellbaum.	